

THE HONORABLE MARY JO HESTON
CHAPTER 13
HEARING DATE: May 29, 2019
HEARING TIME: 2:00 P.M.
LOCATION: Tacoma, Washington
RESPONSE DATE: May 22, 2019

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 19-41010-MJH

AMY MELISSA BOYD,

TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

Debtor.

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to confirmation as follows:

BACKGROUND

Debtor filed this Chapter 13 case on March 30, 2019. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is June 10, 2019. Scheduled unsecured claims total \$62,630.00, and scheduled priority claims total \$6,000.00. The Trustee estimates that under the proposed plan general unsecured creditors will receive approximately \$0.00.

TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE - 1

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

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OBJECTION

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- Plan is not feasible:
 - Plan is not proposed in good faith or is forbidden by law:
 - Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):
 - (1) Debtor has over claimed the amount that will be paid in priority debtor over the term of the plan. Debtor claims a \$1,500.00 per month deduction on 122C-2 line 19 for court order payments. Debtor also claims \$100,500.00 per month at line 35 of 122C-2 for repayment of priority debts. Per debtor's schedule E/F, about \$90,000.00 of the \$100,500.00 is for anticipated maintenance and support payments, which consists of the \$1,500.00 per month claimed at line 19. ECF # 1, pg. 21. Thus, the debtor has claimed the anticipated ongoing of \$1,500.00 twice.
 - (2) Debtor has over claimed the amount of the IRS claim, which was only \$1,526.64.
 - (3) Debtor must provide evidence of the court order to pay \$1,500.00 per month support.
 - (4) Debtor has over claimed the deduction for the 2015 Acura for the secured claim of GESA Credit Union. ECF # 5, pg. 6. Debtor has claimed a deduction of \$750.00 per month.
 - (5) Trustee requires the pay stubs used to calculate the CMI to review debtor's pay roll deductions.
 - Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4): According to debtor's schedules, there is approximately \$40,000.00 of non-exempt equity in the debtor's real property that must be accounted for in the liquidation value of the estate.
 - Schedules or other documentation insufficient:
 - (1) Debtor must provide page four on the Key Bank transaction history.
 - (2) Debtor must provide a copy of the Chase Bank statement that covers the date of filing.
 - Other:

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14

1 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the
2 hearing on the next available motion calendar after the 14 days expires. If the Motion to
3 Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the
4 Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

5 **DATED** this 13th day of May, 2019.
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7 /s/ Matthew J.P. Johnson
8 Matthew J.P. Johnson, WSBA# 40476 for
9 Michael G. Malaier, Chapter 13 Trustee

10 **CERTIFICATE OF MAILING**

11 I certify under penalty of perjury under the laws of the United States I caused to be
12 mailed via regular mail a true and correct copy of Trustee's Objection to Confirmation to the
following:

13 Amy Melissa Boyd
11113 – 185th Ave. E.
14 Bonney Lake, WA 98391

15 The following parties received notice via ECF:

16 Ellen Ann Brown
17 Lesley Lueke
U.S. Trustee

18 Executed at Tacoma, Washington this 13th day of May, 2019.
19

20 /s/ Tracy Maher
21 Tracy Maher
22 Motion Coordinator for
Chapter 13 Trustee
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Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600